Blumberg No. 5119
EXHIBIT
1

UNSWORN DECLARATION MADE UNDER 28 U.S.C. § 1746

I, ABUL SHAH, of legal age, Chief Operating Officer of AWMR, and resident of New York, N.Y., hereby declare under penalty of perjury under the laws of the United States of America that the following account is true and correct based on my personal knowledge of the facts.

1. I am the Chief Operating Officer of AWMR.
2. All shipping containers for scrap metal coming into CEMEX facilities were signed in CEMEX facilities as AWMR containers. A few months ago, three containers of metals were stolen from the CEMEX site.
3. The containers were broken into and their locks broken after hours and after AWMR personnel had left the site.
4. The way bill permitting the exit of the containers was signed out by Mr. Ramiro Lozano, in contravention of CEMEX regulations and procedures.
5. AWMR personnel was subsequently removed from the site, before the cure period given by Ecoterra expired.
6. As of today, eight containers of metal harvested by AWMR sit in the site, with Ecoterra and CEMEX refusing to allow their exit from the site.
7. These containers are sitting on CEMEX's lot precisely because CEMEX management requested AWMR work until the very last minute of the last day of the cure period.
8. Ecoterra is back on the CEMEX site and actively working on dismantling the plant, all while there is an ongoing an FBI investigation.

Dockets.Justia.com

9. While the subject scrap metal harvested through the expense and labor of AWMR and its contractors sits idle on the facility, the metals are now being made available to Ecoterra for removal from the site.

10. CEMEX keeps impairing AWMR from not only recovering the fruit of its own labor and expense, but also from meeting its consequent contractual obligations with other entities (secondary purchasers) for the readied scrap metal and materials, which had AWMR had previously contracted with.

11. AWMR is seeking this TRO in order to secure its property on the site, since Ecoterra had previously stolen containers from the CEMEX site, and CEMEX allowed the containers to exit their site.

12. Consequently, the fact that Ecoterra is openly working on the site and extracting materials puts in jeopardy AWMR's loaded containers and other materials lying on the site.

13. Therefore, the TRO is essential to protect AWMR's interests at the CEMEX site while this matter is finalized and an injunction hearing is held.

Executed under penalty of perjury this 2nd day of August, 2007 in San Juan, Puerto Rico.

ABUL SHAH
Chief Operating Officer of AWMR